

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on March 25, 2003 at 9 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Hal Jacobson (D)
Rep. Arlene Becker (D)

Members Absent: Rep. Dee Brown, Vice Chairman (R)

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 252, SB 423, SB 455, 3/18/2003
Executive Action: SB 239 BE CONCURRED IN AS AMENDED
TO CONSENT CALENDAR; SB 274 BE CONCURRED IN;
SB 204 TABLED

HEARING ON SB 252**Sponsor:** SEN. CAROL SQUIRES, SD 34**Opening Statement by Sponsor:**

SEN. SQUIRES said this is to revise mail voting applications, to increase voter turnout in local and special elections. Each County Elections office will keep a list of permanent absentee voters and send them ballots for all elections. In 1999 the law changed to allow absentees without having to give a reason; the Secretary of State supported and no one opposed that. Fraud would be avoided by the accuracy of voter files. The Clerk and Recorder's Office would mark the registers for absentee and put it out at the polling places. It would save time and money for counties and help the elderly and disabled. If they fail to vote in a general or primary election, their name is taken off the list until they request it be again added. It does not conflict with new Help America Vote Act (HAVA) regulations, she testified. **{Tape: 1; Side: A; Approx. Time Counter: 0 - 7.9}**

Proponents' Testimony:

Vickie Zeier, Missoula County Clerk and Recorder, stated that some voters are unaware of local and special elections, so they don't know to ask for the absentee ballots. The counties can compare mailing labels and stuff envelopes in advance. Each request is handled individually now. She thought about 1/3 of the voters would become permanent absentees. It reduces chances of the requests being lost. The voters have to sign each time, and keep their address current. If the ballot is returned, the counties will call and try to find the new address. If a voter dies, the Clerks and Recorders record the deaths, so they know about it.

Elaine Graveley, Elections Deputy, said this will prevent fraud. If a voter dies out of state, the family brings in the death certificate for probate or insurance purposes, so they will know in advance how many absentees they need.

Darrell Holzer, AFL-CIO, said this would not have any deleterious effect on existing law. It will help the mobile workforce, who may be working out of state.

Pat Callbeck-Harper, Associate State Director of AARP, said Montana has 120,000 people over age 65 (13%) and the number is growing. AARP will help promote this. She gave a fact sheet.

EXHIBIT (sth63a01)

Betty Beverly, Executive Director, Montana Senior Citizens Association, said this will especially help rural and elderly people, and will eliminate problems with parking, lines, and snowbirds.

Brad Martin, Executive Director, Montana Democratic Party, supported the bill.

{Tape: 1; Side: A; Approx. Time Counter: 7.9 - 21}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. BARRETT, DICKENSON and HURWITZ had questions for **Ms. Zeier**. If mail came back marked "undeliverable," there would still be time to call and locate voters. Snowbirds usually have someone picking up their mail locally. The ballots would be stuffed in advance, then mailed when the Voter Information Pamphlets (VIPs) are available. If people ask for an absentee ballot, then forget and show up at the poll, there is a mechanism to handle this. The register would be marked "Absentee," but voters can sign an affidavit that they did not get it, and vote at the polls.

{Tape: 1; Side: A; Approx. Time Counter: 21 - 25.9}

Closing by Sponsor:

The bill has precautions against fraud, and will make voting more convenient. HAVA changes will start in 2006, **SEN. SQUIRES** said.

HEARING ON SB 423

Sponsor: **SEN. JERRY BLACK, SD 44**

Opening Statement by Sponsor:

SEN. BLACK said this will revise campaign contribution limits, which have not changed for about ten years and are not indexed to the Consumer Price Index (CPI). Candidates have to spend or raise their own money. He explained the bills sections. A Senate committee lowered his original limits. Donations of less than \$50 would not have to be reported, saving paperwork. He provided an amendment and a fact sheet. The amendment changes the time the CPI is calculated to the beginning rather than the middle of the campaign year. Montana's limits are one of the lowest of all states. This will make it easier to file, run, and fund raise, he testified.

EXHIBIT(sth63a02)

EXHIBIT(sth63a03)

{Tape: 1; Side: A; Approx. Time Counter: 27.5 - 40}

Proponents' Testimony:

Chris Swanson, University of Montana Law School Student, said limits are ridiculous, considering costs of advertising, travel and staff. Third party groups or state parties can get money diverted and spend more; they are not accountable to candidates.

Steve Turkiewitz, President, Mt Auto Dealers' Association, said candidates have maximized contributions from PACs, while district sizes are growing, as are travel costs.

Tom Figarelli, Forward Montana, said young candidates do not have as much money to run races.

{Tape: 1; Side: A; Approx. Time Counter: 40 - 56}

Opponents' Testimony:

SEN. MIKE COONEY, SD 26, said this bill is well-intentioned, but is the wrong approach. He cited a Great Falls Tribune article stating that raising the minimum from \$35 to \$50 would have accounted for \$262,000 in the last two election cycles. He said I-118 to limit donations got 62% of the vote. It is being appealed in the Circuit Court of Appeals now. The issue is that voters should know what is being spent. This bill would not affect independent expenditures (third party's or state committees) and wealthy candidates always have an advantage, no matter what the limits are, he said.

{Tape: 1; Side: A; Approx. Time Counter: 56 - 64}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 5.1}

Informational Testimony:

Dulcy Hubbert, Commissioner of Political Practices Office, was present to answer questions.

Questions from Committee Members and Responses:

REPS. YOUNKIN and HURWITZ had questions for **SEN. COONEY** and **Ms. Hubbert**. At the present, there is no PAC aggregate limit for any office other than legislative candidates. Limits were higher in the 1970s when the Commissioner of Political Practices Office was new. **SEN. COONEY** would like to rein in limits on independent expenditures; they are sinister because they don't have to play by the same rules as individuals. But legislators have to be

cautious about fixing what an Initiative has allowed; he would let the people vote on increased limits, he stated.

{Tape: 1; Side: B; Approx. Time Counter: 5.1 - 17.7}

Closing by Sponsor:

SEN. BLACK said he was naive to the process. His original limits were 2.5 times the previous ones. He does not want to overturn, but tweak I-118. He said the appeal on I-118 won't affect this bill. Voters did not expect legislators to live with those limits forever. The Tribune article was by an over-zealous student, he said. Well-known candidates always have an advantage, he admitted.

{Tape: 1; Side: B; Approx. Time Counter: 17.7 - 23.4}

HEARING ON SB 455

Sponsor:

SEN. MIKE COONEY, SD 26

Opening Statement by Sponsor:

SEN. COONEY said this concerns the initiative and referendum process. The idea came from someone who worked with Legislative Services Division. He explained the sections. The identity of signature gatherers cannot be disclosed, only the amount paid in aggregate to them. It provides wider notice of petitions statewide. It has a fiscal note, but would actually save money by having the petition information on the web, where election administrators can print it off.

{Tape: 1; Side: B; Approx. Time Counter: 23.4 - 30}

Proponents' Testimony:

Mark Mackin, E. Helena, Initiative Advocate, said this will be a service to the population. He provided written testimony.

EXHIBIT (sth63a04)

Rhonda Carpenter, Carpenter Consulting, said the petitions would have a fiscal statement with the signature sheets.

Matt Leon, Mt Public Interest Group, MTPIRG, said it would educate the electorate.

Patrick Judge, Mt Environmental Impact Committee (MEIC), said it is a modest bill and it passed the Senate 49-1.

{Tape: 1; Side: B; Approx. Time Counter: 30 - 38.7}

Opponents' Testimony: none

Informational Testimony: none

Questions from Committee Members and Responses:

Questions were taken from **REPS. DICKENSON, B. OLSON, YOUNKIN and BARRETT. SEN. COONEY** said the information would be posted for the general election. By then, the issues have been put into the Voter Information Pamphlets (VIPs) which are available at the polls. He would be cautious about putting more than basic information on the posters, such as contacts' name. The election administrators have all the information available; he doesn't want it to be a promotion. HB 719 would set the deadline for gathering signatures before the primary, so this bill may not be needed.

SEN. COONEY admitted he does not like paid signature gatherers, but the Supreme Court has ruled they are constitutional. They cannot be banned in public places, but their activities can be limited. He will research this for committee. Election administrators have to assure access and egress, and can prevent disruption. He is open to ideas. He envisions a minor display to benefit the voters, not the signature gatherers.

Ms. Graveley said electioneering is addressed in statute, and cannot take place within 100 feet of the polls. Harassment of voters is not acceptable.

{Tape: 1; Side: B; Approx. Time Counter: 38.7 - 55}

Closing by Sponsor:

SEN. COONEY closed.

{Tape: 1; Side: B; Approx. Time Counter: 55 - 56}

EXECUTIVE ACTION ON SB 239

Motion: REP. OLSON moved that SB 239 BE CONCURRED IN.

Discussion: **Ms. Heffelfinger** said two amendments requested last time have been prepared; she distributed them, and explained the changes. Amendment 2 requested by REP. A. OLSON changed "normal retirement" to include the TRS. REP. BROWN'S amendment 3 relates to coordination with HB 360 (REP. LEWIS). If both pass, SB 239 is void. **REP. BALLANTYNE** asked if they could wait and see if 360 passed. **REP. YOUNKIN** said they have appropriation and revenue

deadlines. **CHAIRMAN BARRETT** said with the amendments, they need not wait.

EXHIBIT(sth63a05)

EXHIBIT(sth63a06)

Motion/Vote: REP. YOUNKIN moved that SB 239 BE AMENDED(023902.ash). Motion carried 19-0. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and WINDY BOY.

Motion: REP. YOUNKIN moved that SB 239 BE CONCURRED IN AS AMENDED(023902.ash).

Discussion:

Ms. Heffelfinger said the scope was too broad and now is narrowed, but still includes disability retirements.

Motion: REP. BARRETT moved that SB 239 BE AMENDED(023903.ash).

Discussion: REP. SMITH asked if it changed the fiscal note. **Ms. Heffelfinger** said it would cost slightly more, but the disabled are included.

Vote: Motion carried 19-0. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and WINDY BOY.

Motion: REP. YOUNKIN moved that SB 239 BE CONCURRED IN AS AMENDED.

Discussion:

REP. GIBSON asked about teachers. **Ms. Heffelfinger** said the first amendment included state teachers. REP. DICKENSON asked if positions vacated must be filled at entry level; HB 360 had allowed promotions. She was concerned about losing experience and knowledge. **CHAIRMAN BARRETT** said this bill is about retirements, and 360 is about terminations. REP. LEHMAN thought they could be transferred laterally, then promoted later. **Ms. Heffelfinger** said the intent is not binding; it was put in there to get a fiscal note, based on those assumptions.

REP. BALLANTYNE asked if they could take out Sec. 2. **Ms. Heffelfinger** said the sponsor wanted it in, and it has passed the Senate; they would have to concur, or else it would go to conference committee. The intent was to not hire the worker back at the same level and not get the vacancy savings.

REP. WINDY BOY returned to the room and REP. DICKENSON stepped out.

Vote: Motion carried 19-0. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and DICKENSON.

Motion: REP. YOUNKIN moved SB 239 TO THE CONSENT CALENDAR.

Discussion: REP. BALLANTYNE asked if they can do this if it was amended, and Ms. Heffelfinger said they could.

Vote: Motion carried 19-0. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and DICKENSON.

REP. WINDY BOY stepped out.

EXECUTIVE ACTION ON SB 274

Motion: REP. OLSON moved that SB 274 BE CONCURRED IN.

Discussion:

CHAIRMAN BARRETT said the sponsor had asked to be present, but he was presenting another bill.

Motion withdrawn.

Discussion:

Discussion ensued about pending actions on other bills which conflicted. REP. JENT asked if Ms. Heffelfinger could summarize the options in writing, and she agreed.

EXECUTIVE ACTION ON SB 204

Motion: REP. YOUNKIN moved that SB 204 DO PASS.

Substitute Motion: REP. YOUNKIN moved that SB 204 BE TABLED.

Discussion:

This bill was identical to SB 277 except line 16 limited term-limit extensions to the legislature.

Vote: Substitute Motion carried 19-0. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and DICKENSON. REP. WINDY BOY had returned in time to vote.

EXECUTIVE ACTION ON SB 274

Motion: REP. WINDY BOY moved that SB 274 BE CONCURRED IN.

Discussion: CHAIRMAN BARRETT repeated what had just transpired on SB 274 while REP. WINDY BOY was gone, but he did not want to wait for the sponsor.

Motion/Vote: REP. WINDY BOY moved that SB 274 BE TABLED. Motion failed 8-11 on a roll call vote with REPS. BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART, SMITH and WINDY BOY voting aye. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and DICKENSON.

Vote: Motion that SB 274 BE CONCURRED IN carried 11-8 on a roll call vote with REPS. BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART, SMITH and WINDY BOY voting no. Proxies were received from REPS. BROWN, JACOBSON, A. OLSON and DICKENSON.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 40}

ADJOURNMENT

Adjournment: 11:50 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (sth63aad)